

REMARKS

Claims 1-3, 6-8, 24, 25 and 28-33 are pending in this application. Claims 1, 24 and 25 are the independent claims. Claims 1, 2, 24, 25, 28, 29, and 31 are amended. Claim 27 is cancelled without any intent of prejudice to or disclaimer of the subject matter contained therein. Claims 4-5, 9-23, and 26 were previously cancelled. Reconsideration and allowance of the present application is respectfully requested.

Applicant appreciates the Examiner's acknowledgement and consideration of the drawings filed February 23, 2004.

Applicant appreciates the Examiner's acknowledgement and receipt of the certified priority documents.

Error in the Office Action

On page 2 of the Office Action the 35 USC §103 rejection incorrectly indicates that only claims 1-3, 6-7 and 27-32 are rejected using Nonomura in view of Baldwin and further in view of Murase. Upon reviewing the Examiner's rejection of these claims, it is apparent that the Examiner intended to also reject claims 24 and 25 using Nonomura in view of Baldwin and further in view of Murase.

Statement Under 37 C.F.R. §1.133(b)

In response to the telephonic interview conducted August 24, 2010, Applicant wishes to thank the Examiner for the courtesies extended during the interview. During the interview proposed amendments were presented to the Examiner, and distinctions between the independent claims and the prior art references of record

were discussed. The Examiner indicated that the proposed claim amendments overcome the rejections of record, and likely the prior art references of record. The Examiner also suggested an additional claim amendment for each of the independent claims. In this Response, Applicant includes claim amendments which include the proposed amendments discussed in the interview as well as amendments similar to those suggested by the Examiner.

Rejections under 35 U.S.C. §103 – Nonomura in view of Baldwin and further in view of Murase

Claims 1-3, 6-7 and 27-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,574,419 B1 (“Nonomura”) in view of U.S. Patent No. 6,975,363 B1 (“Baldwin”) and U.S. Patent No. 6,424,797 B1 (“Murase”). This rejection is respectfully traversed.

With regard to independent claim 1, the Examiner asserts that Nonomura discloses all of the claim limitations with the exception that Nonomura does not teach outputting decoded still picture data based on respective still picture STC and presentation time stamps (PTSs) in the still picture data and separate stream files for each type of data. The Examiner asserts that Baldwin teaches these missing limitations. The Examiner also concedes that Nonomura in view of Baldwin does not disclose wherein the outputting of the decoded audio data is not synchronized with the outputting of the decoded still picture data. The Examiner asserts that Murase teaches this limitation. Applicant asserts that Nonomura in view of Baldwin and further in view of Murase does not teach or suggest “outputting the decoded still picture data based on the respective still picture STC and presentation time stamps”

(PTSs) in the still picture data” and “wherein the PTSs indicate entry points of the respective decoded still picture data and audio data,” as recited in claim 1.

With regard to Baldwin, the local time stamp of Baldwin is not a presentation time stamp (PTS), as defined in claim 1. Therefore, a person of ordinary skill in the art would not be motivated to combine Baldwin with Nonomura in the manner asserted by the Examiner. As shown in FIG. 4, and as described in col. 6, lines 40-43, Baldwin discloses that “[a] “local time stamp” is defined as any indication of the time reference of a local clock that controls presentation speed” (emphasis added). Col. 6, lines 53-58 discloses that the “local time stamp” (LTS) is added to a packet so a receiver may compare it to a “program clock reference” (PCR) to determine whether a speed of the local clock needs to be adjusted (note that adjustments to the local clock are made to control the audio and video presentation speed, as the audio / video presentation speed of Baldwin both match a local clock). Thus, the PCR and LTS of Baldwin is not a PTS that “indicate[s] entry points of the respective decoded still picture data and audio data,” as recited in claim 1. Rather, PCR / LTS are merely timers. Neither Nonomura, nor Murase remedy these deficiencies of Baldwin, nor does the Examiner rely on Nonomura or Murase for this purpose. Therefore, any combination of Nonomura, Baldwin and Murase does not teach or suggest “wherein the PTSs indicate entry points of the respective decoded still picture data and audio data,” as recited in claim 1.

Applicant further asserts that Nonomura in view of Baldwin and further in view of Murase does not teach or suggest “wherein the outputting of the decoded audio data is not synchronized with the outputting of the decoded still picture data when the decoded audio data is output with the decoded still picture data,” as recited in claim 1. With regard to Nonomura, the Examiner concedes that Nonomura does not disclose

this limitation. With regard to Baldwin, Baldwin discloses that the presentation speed of audio / video data both match a “local clock,” and therefore audio and video of Baldwin is synchronized. With regard to Murase, column 26, lines 49-59 and column 28, lines 17-21 (cited by the Examiner) only disclose that various “playlist types” may include for instance playing video only, pictures only, video and pictures together, audio without video / pictures, still pictures with or without audio, etc. The “playlist types” merely indicate whether audio, video and still pictures are presented or not. However, column 26, lines 49-59 and column 28, lines 17-21 do not address whether or not the audio, video, and still pictures are synchronized or not, when they are output together. Therefore, Applicant asserts that any combination of Nonomura, Baldwin and Murase does not teach or suggest “wherein the outputting of the decoded audio data is not synchronized with the outputting of the decoded still picture data when the decoded audio data is output with the decoded still picture data,” as recited in claim 1.

With regard to independent claims 24 and 25, Applicant asserts that these claims contain features similar to independent claim 1 such that at least the same arguments can be made.

For at least the reasons stated above related to independent claims 1, 24 and 25, Applicant asserts that these claims are patentable. Due at least to the dependence of claims 2-3, 6-7 and 27-32 on the respective independent claims, Applicant also asserts that these claims are patentable. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §103 be withdrawn.

**Rejections under 35 U.S.C. §103 – Nonomura in view of Baldwin and further in
Murase and Kato**

Claims 8 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nonomura in view of Baldwin and Murase, as applied to claim 1, and further in view of U.S. Patent Publication No. 2002/0164152 (“Kato”). This rejection is respectfully traversed.

With regard to independent claims 1 and 25, Applicant asserts that these claims are patentable over Nonomura in view of Baldwin and further in view of Murase, as argued above. Applicant asserts that a review of Kato indicates that Kato does not remedy the deficiencies of Nonomura in view of Baldwin and further in view of Murase as they are applied to claims 1 and 25, nor does the Examiner rely on Kato for this purpose. Therefore, Applicant asserts that claims 1 and 25 are patentable over all combinations of Nonomura, Baldwin, Murase and Kato. Due at least to the dependence of claims 8 and 33 on claims 1 and 25, respectively, Applicant also asserts that claims 8 and 33 are also patentable. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §103 be withdrawn.

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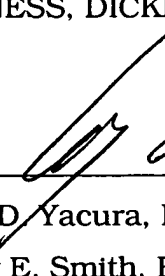
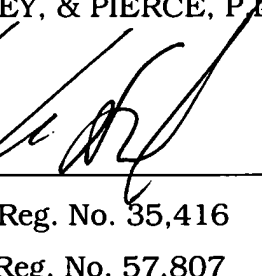
CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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